

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN EDWARD CARTER,

Plaintiff,

v.

DEPARTMENT OF THE ARMY BOARD
FOR THE CORRECTION OF MILITARY
RECORDS,

Defendant.

Case No. C08-5459RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon plaintiff's filing of Affidavits of Mailing [Dkt. #s 16-19] in response to this Court's Order directing him to provide proof of service on the United States Attorney for this district [Dkt. #15]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Despite being informed numerous times how to properly serve an agency of the United States, plaintiff has again failed to effect service. He has failed to serve the United States Attorney for this district. Because more than 120 days have passed since the filing of his complaint, the Court must dismiss

1 his complaint without prejudice. Fed. R. Civ. P. 4(m). Plaintiff's complaint is hereby **DISMISSED**
2 **WITHOUT PREJUDICE.**

3 **IT IS SO ORDERED.**

4 Dated this 26th day of October, 2009.

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7 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE